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Letter dated 28 June 2006 from the Chairman of the Security Council Committee established pursuant to resolution 1521 (2003) concerning Liberia addressed to the President of the Security Council

I have the honour to transmit herewith the report of the Security Council Committee established pursuant to resolution 1521 (2003) concerning Liberia, containing an account of the Committee's activities for 2005. The report, which was adopted by the Committee on 28 June 2006, is being submitted in accordance with the note by the President of the Security Council of 29 March 1995 (S/1995/234).

(*Signed*) Ellen Margrethe **Løj**
Chairman
Security Council Committee established pursuant
to resolution 1521 (2003) concerning Liberia

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Annex

Report of the Security Council Committee established pursuant to resolution 1521 (2003) concerning Liberia

I. Introduction

1. The present report of the Security Council Committee established pursuant to resolution 1521 (2003) concerning Liberia covers the period from 1 January to 31 December 2005.

2. For 2005, the Bureau consisted of Ellen Margrethe Løj (Denmark) as Chairman, with the delegations of Japan and the Philippines providing the Vice-Chairmen. During the reporting period, the Committee held 2 formal meetings in addition to 12 informal consultations.

II. Background information

3. By its resolution 788 (1992) of 19 November 1992 the Security Council imposed a general and complete arms embargo on Liberia, and by its resolution 985 (1995) of 13 April 1995 the Council established a Committee to monitor implementation of the arms embargo.

4. By its resolution 1343 (2001) of 7 March 2001, the Council dissolved the Committee established by resolution 985 (1995) and re-imposed the arms embargo with immediate effect for a 14-month period. Under the resolution the Council also established a new Committee to oversee implementation of the arms embargo and also of the new prohibitions on the import of rough diamonds from Liberia and the travel restrictions affecting individuals designated by the Committee in accordance with the criteria set out in the resolution. A Panel of Experts was also established to provide the Committee with information regarding implementation of the measures and any alleged violations thereof. The diamond and travel sanctions entered into force on 7 May 2001, and they were subsequently renewed, together with the arms embargo, by Security Council resolutions 1408 (2002) and 1478 (2003). Resolution 1478 (2003) also imposed prohibitions on the import of round logs and timber products originating in Liberia for an initial period of 10 months, effective 7 July 2003.

5. In its resolution 1521 (2003), adopted on 22 December 2003, the Security Council decided to dissolve the Committee established by resolution 1343 (2001) and to revise the legal basis of the sanctions to reflect the changed circumstances in Liberia, in particular the departure of former President Charles Taylor, the formation of the National Transitional Government of Liberia and progress with the peace process in Sierra Leone. Under resolution 1521 (2003) the Council established a new Committee to oversee the implementation of the measures as modified and re-imposed by the resolution: an arms embargo, restrictions on the travel of individuals designated by the Committee on the basis of the criteria contained in the resolution and prohibitions on the import of rough diamonds and round logs and timber products originating in Liberia. Resolution 1521 (2003) also established a Panel of Experts to provide the Committee with information regarding implementation of the measures and progress made towards meeting the conditions for the lifting of

sanctions. On 16 March 2004 the Committee issued a new travel-ban list, containing the names of individuals subject to travel restrictions imposed by paragraph 4 of resolution 1521 (2003) (SC/8027).

6. By paragraph 1 of resolution 1532 (2004), adopted on 12 March 2004, the Security Council decided that, in order to prevent former Liberian President Charles Taylor, his immediate family members, senior officials of the former Taylor regime, or other close allies or associates designated by the Committee from using misappropriated funds and property to interfere in the restoration of peace and stability in Liberia and the subregion, all States would freeze without delay funds, other financial assets and economic resources owned or controlled directly or indirectly by Charles Taylor, Jewel Howard Taylor, Charles Taylor, Jr., and/or those other individuals designated by the Committee. On 14 June 2004, the Committee issued its initial list of individuals and entities subject to the measures contained in paragraph 1 of resolution 1532 (2004) (the assets-freeze list) (SC/8123). By paragraph 5 of resolution 1532 (2004), the Security Council further decided that it would review the measures imposed by paragraph 1 of the same resolution at least once a year; however, no expiration date for these particular measures was provided in resolution 1532 (2004).

7. A summary of the imposition and extension of the various sanctions measures (excluding the assets freeze) together with the mandates of the Panel of Experts is contained in the table below:

Security Council resolution number and date	*Arms embargo and travel ban extended for*	*Diamond sanctions extended for*	*Timber sanctions extended for*	*Panel of Experts extended for*	*Document symbol of Panel's report*
Resolution 1521 (2003) 22 December 2003	12 months	12 months	12 months	5 months	S/2004/396 and Corr.1 and 2
Resolution 1549 (2004) 17 June 2004	n/a	n/a	n/a	6 months	S/2004/752 S/2004/955
Resolution 1579 (2004) 21 December 2004	12 months	6 months	12 months	6 months	S/2005/176 S/2005/360
Resolution 1607 (2005) 21 June 2005	n/a	6 months	n/a	6 months	S/2005/745
Resolution 1647 (2005) 20 December 2005	12 months	6 months	6 months	6 months	S/2006/379

III. Summary of the activities of the Committee

A. Requests for exceptions to the measures

8. During the reporting period the Committee received two requests, in accordance with paragraph 2 (*e*) of resolution 1521 (2003), for exemptions to the arms embargo to allow for the equipping and training of the Liberian armed forces and police. In a communication dated 8 August 2005 the United States Mission to the United Nations requested an exemption to ship arms and training materials for use in a training programme for the new Liberian military. That request was subsequently approved by the Committee with the exception of one item.

9. In a letter conveyed to the Committee in a communication dated 2 September 2005 from the Under-Secretary-General for Peacekeeping Operations, the National Transitional Government of Liberia petitioned the Committee for an exemption to allow it to import 300 side arms, shields, batons and non-lethal gas for the members of the Liberian National Police who were to be trained in the Federal Republic of Nigeria. In her reply, the Chairman indicated that the Committee would look constructively on an exemption request for the initial export to Liberia of 50 side arms, pending the receipt of additional documentation. Following the receipt of the additional information provided in a communication from the Special Representative of the Secretary-General for Liberia dated 29 November 2005, the Chairman indicated in separate letters dated 9 December 2005 addressed to the Special Representative and to the Permanent Representative of Nigeria to the United Nations that the Committee was satisfied with the additional information received and would expeditiously consider a request for exemption once such a request was received from the Permanent Mission of the State that intended to export the side arms and related material to Liberia. At the end of 2005, the Committee had not yet received a request for a waiver of the embargo from any exporting State in connection with side arms for the Liberian police.

10. In a communication dated 17 May 2005 addressed to the Chairman, the Permanent Mission of the United Kingdom of Great Britain and Northern Ireland requested the Committee's approval of the export of non-lethal military equipment to Liberia in accordance with paragraph 2 (*f*) of resolution 1521 (2003). The Committee subsequently approved the export of the equipment, which was to be used as part of a United Nations contract for the drilling of boreholes to provide water to outlying villages.

11. During the period under review, the Committee considered a communication dated 13 June 2005 from the Officer-In-Charge of the United Nations Mission in Liberia (UNMIL) seeking the Committee's guidance on a request received from the National Transitional Government of Liberia to import industrial explosives to Liberia for quarry operations. After subsequently receiving detailed technical information from the National Transitional Government and UNMIL, the Committee informed both the Government of Liberia and UNMIL that the particular industrial explosives being considered did not fall under the scope of the arms embargo and that their import did not require the Committee's prior approval. The Committee nevertheless encouraged UNMIL to assist the Liberian authorities in receiving, escorting and monitoring the explosives, in accordance with the safeguards previously described to the Committee in communications from the National Transitional Government and UNMIL.

12. The Committee considered, but did not accede to, a request from a private sector company (dated 24 October 2005 and forwarded by UNMIL) to approve the export from Liberia of treated rubber waste wood for furniture and flooring. In this connection, the Committee was of the view that neither resolution 1521 (2003) nor resolution 1579 (2004) included provisions for exceptions to the timber sanctions.

13. During the reporting period, the Committee considered nine requests for travel-ban waivers under paragraph 4 (*c*) of resolution 1521 (2003), of which four were granted.

14. In accordance with the exception set out in paragraph 2 (*a*) of resolution 1532 (2004), the Committee received one notification, dated 25 August 2005, from the Permanent Mission of Ghana regarding the Government's intention to authorize certain expenditures to the benefit of an individual included on the assets-freeze list. No negative decision was taken by the Committee within the requisite two-day period with regard to that notification.

B. Review of the travel-ban and assets-freeze lists

15. During the reporting period, the Committee continued to review its travel-ban list in accordance with its relevant procedures which stipulate, inter alia, that "the Committee will review the list every three months in connection with outstanding requests to remove individuals from the list received through the Permanent Mission of which the listed individual is a national, or through the nearest UN office. In exceptional cases, the Committee will consider requests received directly from individuals". These quarterly reviews were conducted in March, June and September 2005, during which the Committee considered six de-listing requests. During the period under review, the Committee did not remove any names from the travel-ban list. The Committee decided to add the names of seven individuals to the list — five on 14 April (SC/8359) and two on 30 November (SC/8569). The latest version of the travel-ban list is available on the Committee's website (http://www.un.org/Docs/sc/committees/Liberia3Template.htm).

16. In 2005, the Committee also received six additional travel-ban de-listing requests submitted directly by individuals. As the Committee subsequently decided that these requests were not "exceptional cases" in the meaning of the Committee's relevant procedures, they were not formally considered by the Committee. Upon the instruction of the Committee, however, the secretariat did reply to these six requests and informed the individuals concerned of the correct procedures to be followed in submitting any future de-listing requests. By the end of 2005, four of the individuals concerned had submitted new de-listing requests, in accordance with the Committee's procedures, for consideration at the first review of the travel-ban list in 2006.

17. On 15 November 2005, the Committee agreed to consider, at its next review of the travel-ban list, a de-listing request submitted directly to the secretariat of the Committee at United Nations Headquarters, on the grounds that the request had been submitted to "the nearest UN Office" in the sense of the Committee's relevant procedures.

18. The Committee also conducted one six-month review of the assets-freeze list in June 2005, in accordance with paragraph 4 (*b*) of resolution 1532 (2004). The

Committee considered one de-listing request during that review. In addition, since two of the de-listing requests submitted prior to the March and September quarterly reviews of the travel-ban list concerned individuals whose names were also inscribed on the assets-freeze list, the Committee considered those requests in connection with both lists. The Committee did not remove any names from the assets-freeze list in 2005. On 30 November 2005 the Committee decided to add the names of two individuals and 30 entities to the list (SC/8570). The latest version of the assets-freeze list is also available on the Committee's website.

19. On 2 May 2005 the Committee concluded the harmonization of the contents of the travel-ban and assets-freeze lists, thereby presenting identical identifying information in connection with individuals inscribed on both lists (SC/8375).

20. In conducting its work related to the travel-ban and assets-freeze lists, the Committee continued to be guided by the procedures, adopted on 16 March 2004, for updating and maintaining its travel-ban list and also for handling requests for exemptions from the travel restrictions contained in paragraph 4 of resolution 1521 (2003). In conducting its work, the Committee also continued to apply its guidelines for the application of paragraphs 1 and 4 of resolution 1532 (2004) concerning the assets freeze, which were last updated on 31 August 2004. These procedures and guidelines are also available on the Committee's website.

C. Implementation of the sanctions regime

21. During the reporting period the Committee received two additional replies from States in response to its note verbale of 20 January 2004 (see appendix 1). Pursuant to paragraph 21 (*b*) of resolution 1521 (2003), the note verbale sought information from all States, particularly those in the subregion, about the actions they had taken to effectively implement paragraphs 2, 4, 6 and 10 of that resolution.

22. The Committee also received four additional replies from States in response to its note verbale of 14 June 2004 (see appendix 2). Pursuant to paragraph 4 (*d*) of resolution 1532 (2004), the note verbale sought information from all States regarding the actions they had taken to trace and freeze the funds, other financial assets and economic resources described in that resolution. In response to one of these replies, the Committee provided the State concerned with relevant information to facilitate implementation of the measures.

23. Under paragraph 21 (*f*) of resolution 1521 (2003), the Committee is mandated "to consider and take appropriate action, within the framework of this resolution, on pending issues or concerns brought to its attention concerning the measures imposed by resolutions 1343 (2001), 1408 (2002) and 1478 (2003) while those resolutions were in force".

24. In that connection, on 30 November 2004, the Chairman had written separate letters to the Permanent Representatives of the Islamic Republic of Iran, the Sudan and the United Arab Emirates to the United Nations regarding possible violations of the arms embargo first imposed by resolution 1343 (2001) that were cited in the report of the Panel of Experts (S/2004/396 and Corr.1 and 2). The Permanent Representative of the United Arab Emirates provided additional information in a letter addressed to the Chairman of the Committee dated 7 March 2005. The Permanent Representative of the Sudan provided additional information in a letter

addressed to the Chairman of the Committee dated 9 March 2005. The Permanent Representative of the Islamic Republic of Iran provided additional information in a letter addressed to the Chairman of the Committee dated 14 June 2005.

25. In a communication dated 11 February 2005 addressed to the Permanent Representative of Liberia to the United Nations, the Chairman conveyed the Committee's concern that the National Transitional Government of Liberia had not yet taken necessary action to effectively freeze the funds, financial assets and other economic resources of the individuals subject to the measures imposed by Security Council resolution 1532 (2004). Through this communication, the Committee sought from the National Transitional Government the most up-to-date information in this regard, and it also recalled that the Security Council had also decided that the Committee would assist States, where necessary, in tracing and freezing the assets of individuals and entities subject to the measures imposed by the same resolution.

26. In a communication dated 22 April 2005 addressed to the Committee, the Special Representative of the Secretary-General in Liberia recalled that on 21 October 2004, the Supreme Court of Liberia ordered the National Transitional Government to suspend the implementation of the assets freeze imposed by resolution 1532 (2004) until a hearing on the matter could be held. In the light of the possibility that the National Transitional Government would not be in a position to enforce the assets freeze, the Special Representative suggested that the Committee might wish to explore alternative ways to ensure the measures were implemented. The Committee subsequently considered several proposals in that regard, such as requesting companies in which designated individuals held shares to ensure that profits due to designated individuals should be withheld. In that connection, the Committee also received the views of members of the Panel of Experts who noted, inter alia, that responsibility for implementing Security Council sanctions falls primarily on Member States.

27. In a communication dated 22 September 2005, the Special Representative of the Secretary-General for Liberia conveyed a ruling dated 16 September 2005 whereby the Supreme Court of Liberia decided to grant a peremptory writ of prohibition, thus preventing the National Transitional Government from implementing the assets-freeze measures by the procedure it had previously adopted. The Court further adjudged that the National Transitional Government was at liberty to proceed with whatever action it wished to pursue, as long as such action was in keeping with the due process of law and the Constitution of Liberia.

28. In a reply to the Special Representative of the Secretary-General for Liberia dated 7 October 2005, the Chairman sought further information and views from UNMIL regarding: the impact of the Supreme Court's decision on the Government's ability to implement the assets freeze; the role played by UNMIL in assisting the Liberian authorities in implementing the assets freeze; and any assistance the Committee and/or Member States might provide to the Liberian authorities in implementing the assets freeze.

29. In response, the Special Representative of the Secretary-General for Liberia conveyed in a letter dated 25 October 2005 a brief prepared by UNMIL addressing the points raised by the Committee. The Committee considered the useful information contained in the brief, discussed the contents with the Panel of Experts, and the Chairman subsequently briefed the members of the Security Council on these deliberations at the informal consultations on 16 December 2005.

30. In a communication dated 1 December 2005 addressed to the Chairman, the Permanent Representative of Liberia to the United Nations transmitted copies of legislation enacted on 8 September 2004 by the National Transitional Assembly of Liberia and entitled "An Act amending the new minerals and Mining Law, part 1, title 23, LCLR, by adding thereto a new chapter 40, providing for contracts on the export, import and transit of rough diamonds".

31. In a communication dated 23 December 2005, the Chairman wrote to the Co-Chairs of the International Contact Group on Liberia, in order to draw the attention of that body to the recommendations contained in the report of the Panel of Experts (S/2005/745) and to seek the cooperation of the Contact Group in identifying follow-up strategies to help the Government of Liberia meet the conditions for lifting sanctions, and to implement the assets freeze imposed by resolution 1532 (2004).

D. Other activities

32. On 23 February the Committee received a briefing from the Department of Peacekeeping Operations of the Secretariat about the role of UNMIL in monitoring sanctions.

33. In preparation for the Council's review of the diamond sanctions, the Committee received a briefing on 9 March 2005 from the Chairman of the Kimberley Process, and on 16 March the Committee considered the interim report (focusing on diamonds) of the Panel of Experts (S/2005/176). On 29 March, during the Council's review of the diamond sanctions, the Chairman briefed the Council on the Committee's deliberations.

34. On 8 and 15 June, the Committee considered the final report of the Panel of Experts under the mandate accorded to it by resolution 1579 (2004) (S/2005/360). On 16 June, as part of the Council's sanctions review, the Chairman briefed the Council on the Committee's discussions on the report and recommendations of the Panel of Experts.

35. On 15 June and 7 December, the Committee was briefed by representatives of the Liberia Forest Initiative, which is a multi-donor partnership designed to help Liberians create conditions favourable to the lifting of sanctions in the context of putting the Liberian forestry sector back on a legal and sustainable basis.

36. On 19 October, the Committee received an informal update from the Panel of Experts in accordance with paragraph 14 (*e*) of resolution 1607 (2005). The oral briefing complemented an earlier informal written update, circulated on 29 September. On 2 and 7 December the Committee considered the final report of the Panel of Experts under the mandate accorded to it by resolution 1607 (2005). On 16 December, during the Council's sanctions review, the Chairman briefed the Council on the Committee's activities and its deliberations on the report of the Panel of Experts.

Appendix 1

Replies received from States in accordance with paragraphs 2, 4, 6 and 10 of Security Council resolution 1521 (2003)

State	Date of report	Symbol
Brazil	10 February and 16 September 2005	S/AC.41/2005/1 and Add.1
Russian Federation	11 March 2005	S/AC.41/2005/2

Appendix 2

Replies received from States in accordance with paragraph 1 of Security Council resolution 1532 (2004)

State	Date of report	Symbol
Norway	14 January 2005	S/AC.41/2005/(14)/1
Qatar	28 January 2005	S/AC.41/2005/(14)/2
Greece	31 March 2005	S/AC.41/2005/(14)/3
Lebanon	25 February and 10 March 2005	S/AC.41/2005/(14)/4 and Add.1